**Leasing of the right to collect District Fund Tolls and Market Fees.**

READ—

Government Order No. L. 6437-57—Ml. 174-22-1, dated 21st March 1923, issuing instructions in regard to the disposal of the right to collect Local Fund and Municipal Tolls and Market Fees by lease.

ORDER NO. L. 8063-78—L. B. 175-29-1, DATED 8TH MAY 1930.

The procedure prescribed in the order read above in the case of District Fund Tolls and Market Fees requires considerable modification in view of the passing the Mysore District Boards' Regulation and the several orders issued in the matter. Government are accordingly pleased to issue the following instructions in regard to the leasing of the right to collect District Fund Tolls and Market Fees in supersession of all previous orders on the subject.

2. The procedure described in paras 171-181 of the Municipal Account Manual should as far as possible be followed in disposing of leases of District Fund Tolls and a notification in the appended form should be published by the President in time before the lease is disposed of. In disposing of leases, the District Boards should guard against losses by taking proper safeguards in the following directions:—

(*a*) Penal interest to be levied on khists not paid on due dates.

(*b*) Agreements to be taken from lessees on stamped paper.

(*c*) In the event of the lessee not being a Mysorean, at least two sureties owning sufficient properties in Mysore to be insisted upon.

3. The above procedure should be followed as far as possible whenever market fees are farmed out.

4. The Superintendent, Government Printing, is requested to supply the necessary forms to the Presidents of District Boards on indent in the usual course.

R. RANGA RAO,
*General Secretary to Government.*

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**ANNEXURE.**

NOTIFICATION.

The right to collect tolls at the toll-gates as noted in Schedules A and B during the official year 193 -193 , will be sold by public auction at the places and on the dates specified against each gate.

2. Persons intending to bid must attend in person or by a duly accredited agent. Every such person should deposit beforehand an amount equal to one-sixth of the lease amount for the previous year as shown in Schedule A, as earnest money. The deposits of all the bidders except the first two or three whose bids are to be recommended for acceptance will be returned at the close of the sale. The deposit of the successful bidder who will be called the contractor will be returned only on fulfilment of the contract. The deposits of the remaining bidders will be returned soon after the confirmation of the sale.

3. The sale will not become absolute until confirmed by the authority noted in Schedule A who reserves the final power of refusing or accepting without assigning any reason whatever, the highest or any bid that may be offered.

4. The contractor shall within fifteen days of the receipt of intimation of the confirmation of the sale in his favour, execute an agreement on a duly stamped paper binding himself and his heirs to observe the conditions hereinafter set forth and to be subject to the penalties, forfeitures and liabilities referred to therein and shall furnish if he does not hold property in Mysore, at least two sureties who own sufficient properties in the Mysore State for the due performance of the contract, and if he is a non-resident

foreigner he shall be deemed to have agreed to submit himself to the jurisdiction of the Civil Courts in Mysore and to be bound by any decree, *ex parte* or otherwise, that may be passed against him by such Courts for any sums due in respect of the contract amount.

5. The contract shall not be transferred by sale, gift or otherwise or sub-leased without the previous sanction of the President, District Board.

6. The contract amount shall be paid in 12 equal monthly instalments in advance on the 1st day of every month into the District Board Office.

7. The contractor shall have no claim to the fees recovered from persons compounding the payment of toll in accordance with the District Boards' Regulation or the rules thereunder.

8. Interest at 9 per cent per annum shall be levied on all overdue amounts till date of payment.

9. The contractor shall collect tolls only at the rates and at the gates on the traffic specified in Schedules A and B.

10. The contractor shall give to the person paying the toll a proper receipt showing the date and hour of payment of toll.

11. The contractor shall keep at the toll-gate, true accounts of the daily collections and of the traffic passing through the toll-gate. These accounts shall be open to the inspection of the President, District Board, or any person authorised by him or the Board. He shall, if required by the President of the District Board, furnish to the District Board Office at the end of every month, a true return for the month showing the traffic passing through the gate in the prescribed form.

12. The contractor will have the use of the existing toll house and gate without payment of any rent, and he should keep them in good repair, failing which, the cost of repairs will be recovered from him. If any toll-gate or house is required, it will be put up at the cost of the District Board.

13. (*a*) At a distance of 100 yards on both sides of the toll-gate warning posts shall be put up by the District Board.

(*b*) The contractor shall have the warning posts on either side of the toll-gate illuminated during nights at his own cost.

14. The contractor and his employees shall always behave courteously towards the travelling public and shall not harass them or give them trouble of any kind and he shall maintain at the toll-gate a book wherein travellers may record complaints, and he shall forward true extracts thereof once a week to the President of the District Board.

15. The contractor shall not be entitled to any remission of the contract amount or any compensation on account of seasonal conditions or any other cause whatever.

16. The contractor shall conform generally to provisions of the Mysore District Boards' Regulation and the rules or orders issued thereunder. He shall recognise all exemptions made by the statute, or rules and orders that may be passed by Government from time to time. He shall pay special attention to the points mentioned in Section 66 of the Mysore District Boards' Regulation and to the following provisions namely:—

(*a*) No more than one payment of toll shall be demanded at any District Fund toll-gate, station or bridge in respect of any carts, carriages, or vehicles if a toll has been collected at a District Fund toll-gate in the District within a period of 24 hours counted from sunrise to sunrise.

(*b*) When toll have been paid at any toll-gate, station or bridge in respect of any carts, carriages, vehicles or animals not laden or ridden, the difference between such toll and the toll payable in respect of such carts, carriages, vehicles or animals laden or ridden, shall be payable, if such carriages, carts, vehicles or animals again pass through such toll-gate, station or bridge, laden or ridden within such period.

17. Any breach of the above conditions or rules on the part of the contractor or his servants will entail the forfeiture of the deposit or the levy of a fine not exceeding Rs. 50 for each infringement. If the fine be not paid or in the event of instalments or other sums due are not paid within the prescribed date, it shall be competent to the President, District Board, to suspend further collection of toll by the contractor and dispose of the right to collect the toll during the remaining period by a resale or otherwise. The resale will be held at the risk of the defaulting contractor who shall be liable to make good all losses accruing but shall not be entitled to any profits arising from the resale.

18. The imposition of fine or resale of the contract shall be no bar to the prosecution of the contractor or his employees for any offence or to the institution of other legal steps against them under any law in force for the time being.

*President, District Board.*

SCHEDULE A.

1. Name of toll-gate or bridge.
2. Situation of the gate.
3. Whether toll is to be levied on through traffic, incoming traffic, or outgoing traffic.
4. Traffic specially exempted from payment of toll on account of the peculiar situation of the toll-gate or the special requirements to the people near the toll-gate.
5. Amount of deposit required.
6. Place of sale.
7. Date of sale.
8. Officer conducting the sale.
9. Officer confirming the same.
10. Remarks.

SCHEDULE B.

| Details of traffic. | Rate. |
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